

ARMY's

Equal Opportunity (EO) Program



## Intermediate Leader Training



# Terminal Learning Objective

Action	Supervise the Army's Equal Opportunity (EO) Program, Prevention of Sexual Harassment (POSH) Policies, and Complaint Process
Conditions	In a classroom environment with access to real-life scenarios and student handouts
Standards	<p>Complete the lesson on the Army's Equal Opportunity (EO) Program Intermediate Training and achieve a passing score on a separately administered test.</p> <ul style="list-style-type: none"><li>A. Review the Army's Equal Opportunity Program as it relates to the Army Values, Warrior Ethos, and Soldier's Creed</li><li>B. Identify the behaviors and actions that violate and support the Army's Equal Opportunity Program</li><li>C. Review the Army's Policy on Sexual Harassment as it relates to Army Values, Warrior Ethos and Soldier's Creed</li><li>D. Prepare appropriate response strategies to Sexual Harassment in real life situations</li><li>E. Define leader roles and responsibilities in the assessment of EO climate and prevention of EO and Sexual Harassment incidents</li><li>F. Apply the leader's responsibilities within the Army's Equal Opportunity (EO) Program and the Prevention of Sexual Harassment response and Complaint Process</li><li>G. Identify Sexual Assault and the Army's Sexual Assault Prevention and Response Program</li></ul>



# Army Policy on Equal Opportunity

The U.S. Army will provide equal opportunity and fair treatment for military personnel and family members without regard to race, color, gender, religion, or national origin, and provide an environment free of unlawful discrimination and offensive behavior.

AR 600-20, Paragraph 6-2



# Definitions

- Fair treatment
  - Based on merit, fitness, capability in support of readiness
- Unlawful discrimination
  - Unequal treatment based on race, color, gender, religion, or national origin
- Offensive behavior
  - Would *a reasonable person* be offended?
  - Not defined by the *intent of the offender*



# The Army and Equal Opportunity

## **EO Supports:**

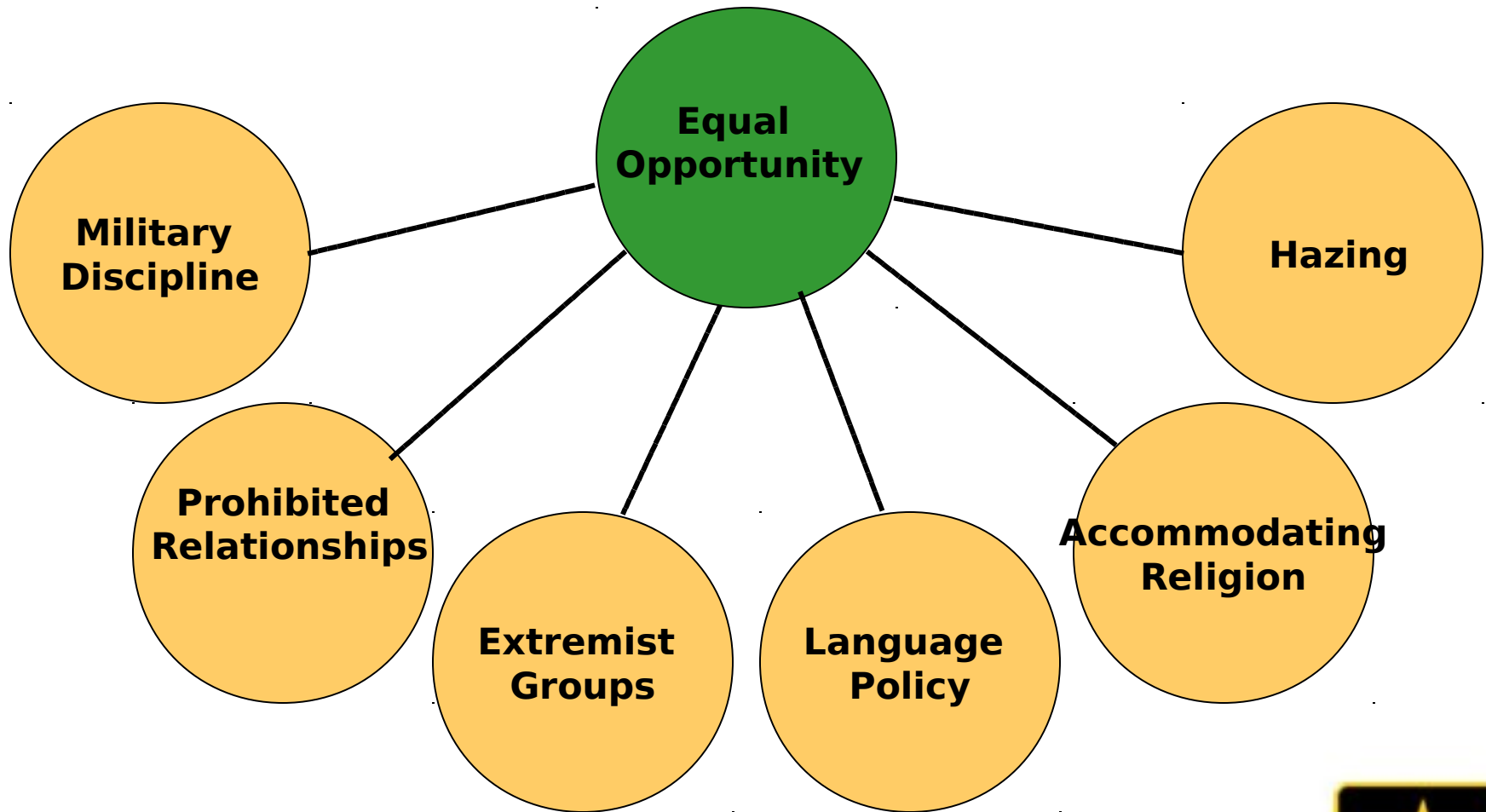
- **Army Values**
- **Warrior Ethos**
  - Mission first
  - Never accept defeat; never quit
  - Never leave a fallen comrade
- **Soldier's Creed**

## **Equal Opportunity:**

- Supports the ability to work effectively as a team
- Supports discipline
- Supports professional behaviors
- Supports readiness
- Equal Opportunity supports Army Values
- Equal Opportunity is compatible with the Soldier's Creed and Warrior Ethos



# Six Related Issues





# Review: Army EO Program/Values

In this topic you learned:

- Five unlawful discrimination categories: race, color, gender, religion, national origin
- EO Policy is in effect on and off post, during duty and non-duty hours – 24/7
- EO upholds Army Values, Warrior Ethos, and the Soldier's Creed
- Six related issues: military discipline, prohibited relationships, extremist groups, language policy, accommodating religious practices, and hazing



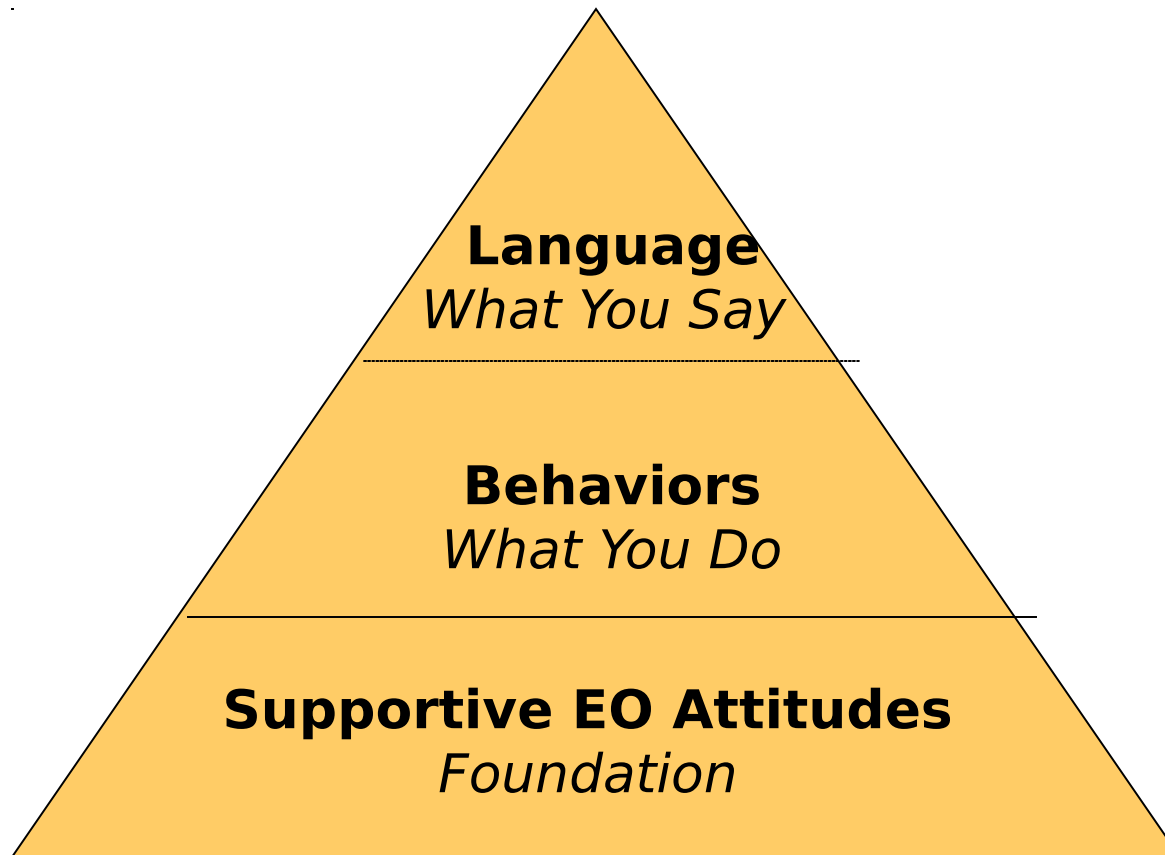
# Violations of EO Policy

- Racism
- Sexism
- Prejudice
- Discrimination





# Supporting EO Policy



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# Review: EO Policy Violation

In this topic you learned:

- Four types of EO violations
- Behaviors and language are driven by attitudes supporting EO
- Prevention and elimination strategies



# Army Policy on Sexual Harassment

“...Sexual harassment is unacceptable conduct and **will not be tolerated**. Army **leadership at all levels** will be committed to creating and maintaining an environment conducive to maximum productivity and respect for human dignity. Sexual harassment **destroys teamwork** and negatively affects combat readiness. The Army bases its success on mission accomplishment. Successful mission accomplishment can be achieved only in an environment free of Sexual Harassment for all personnel. ”

AR 600-20, Paragraph 7-3

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# Definition of Sexual Harassment

A form of **gender discrimination** that involves unwelcome sexual advances, favors, and other verbal or physical conduct of a sexual nature when:

- Submission or rejection is made a term or condition of a person's job, pay, career
- Submission or rejection is used as a basis for career or employment decisions
- Conduct interferes with an individual's work performance
- Conduct creates an intimidating, hostile, or offensive work environment

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# Army vs. Sexual Harassment

- **Army Values**
- **Warrior Ethos**
  - Mission first
  - Never accept defeat; never quit
  - Never leave a fallen comrade
- **Soldier's Creed**

## **Sexual Harassment**

- Breaks down the ability to work effectively as a team
- Represents a lack of discipline
- Is unprofessional and inappropriate behavior
- Degrades readiness
- Contradicts Army Values



# Types of Sexual Harassment

- Quid pro quo – “this for that” (Latin)
  - Conditions placed on a person’s career in return for sexual favors
- Hostile environment
  - Soldiers or civilians subjected to offensive, unwanted, and unsolicited comments or behaviors of a sexual nature and these behaviors interfere with work performance



# Review: Sexual Harassment Policy

In this topic you learned:

- Sexual Harassment is a form of gender discrimination that involves unwelcome sexual advances, favors, and other verbal or physical conduct of a sexual nature
- Sexual Harassment is not tolerated
- Sexual Harassment contradicts Army Values, Warrior Ethos, and the Soldier's Creed
- There are two types of Sexual Harassment: Quid Pro Quo and Hostile Environment





# Sexual Harassment Behaviors

- Verbal
  - Jokes, sexually explicit profanity, describing physical appearance, terms of endearment
- Nonverbal
  - Staring, licking lips suggestively
  - Displaying sexually explicit pictures or screen savers
  - Sexually oriented e-mail, notes, printed material, etc.
- Physical
  - Touching, patting, pinching; blocking passage
  - Sexual Assault may be an extreme form



# Sexual Harassment Checklist

1. Is the behavior sexual in nature?
2. Is the behavior unwelcome?
3. Have sexual favors been demanded, requested, or suggested?
4. Does the behavior create a hostile or offensive environment?
5. Would a reasonable person of the same gender react the same way to this incident or behavior?



# Five Response Strategies

1. Direct approach
2. Indirect approach
3. Third party assistance
4. Chain of Command
5. File a formal complaint



# Review: Identifying Sexual Harassment

In this topic you learned:

- There are three behaviors associated with Sexual Harassment; verbal, nonverbal, and physical
- The Checklist can assist Soldiers in identifying Sexual Harassment in real life situations
- There are five response strategies available to deal with Sexual Harassment
- Leaders are responsible for helping Soldiers decide how to respond to Sexual Harassment



# Fostering Positive Unit Climate

## Indicators:

- Complaints are often resolved informally
- Soldiers routinely discuss concerns with immediate chain of command
- Number/type of formal complaints



# Signs of Unhealthy Unit Climate

## Observable signs:

- Soldiers lack confidence in complaint process
- Sexual or racial jokes prevalent
- Poor personal appearance
- Poor military courtesy
- Abusive words and offensive symbols prevalent



# Signs of Unhealthy Unit Climate

## Data shows:

- Increase in numbers of EO complaints
- Increased AWOLs
- Claims of unfairness in promotions
- Frequent fights
- Increase in requests for transfer
- Low morale





# Climate Assessments

- Purpose:
  - Get a picture of command member perceptions of the organization
  - Determine if unit climate is healthy
- Purpose:
  - Regulatory requirement (Command Climate Survey)
  - Command directed
  - Driven by events
  - Staff Assistance Visit (SAV)
  - Monitoring EO actions

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# Assessment Tools and Resources

- Pre-Planning
- Use multiple assessment techniques
  - Surveys, focus groups/sensing sessions, statistical reports of related data
  - EOA and EOR assets
  - Army Research Institute (ARI)
  - Defense EO Management Institute (DEOMI)

# EOA/EOR Roles & Responsibilities

- EOA
  - Full-time EO at brigade or higher levels
  - Understand and articulate policy
  - Assist commander w/data collection and interpretation
  - Process complaints
- EOR
  - Duties additional to primary assignment
  - Battalion level, required one per company



# EO Actions and EO Action Plans

- Positive actions by DA to ensure all soldiers and their families are afforded equal opportunity in the Army
  - A step beyond nondiscrimination
  - Eliminate unintentional, embedded discrimination
- Recognize and remove barriers
- Change the system



# Barriers to EO

- Recruitment
- Selection
- Assignments
- Testing
- Training
- Promotions



# EO Action Plan Elements

- Identify conditions requiring EO actions, remedial actions, and desired end-condition
- Planned, achievable steps that eliminate practices that deny EO to Soldiers and their families
- Reviewed annually
- Subject areas proscribed by DA headquarters (DA Pam 600-26)



# Monitoring/Analysis/Results

- Involves commanders and heads of Staff Agencies and subordinates
- Semi-annual reviews
- Measures of results





# Leaders' Role

- All are responsible for positive, proactive approach
- Assist command in achieving primary goals to accomplish mission
- Assist with climate assessments
- Responsibilities for implementing EO programs
- Assist in developing command EO Action Plans



# Review: Assessment of EO Climate

In this topic you learned:

- The indicators of a positive unit climate
- The indicators of an unhealthy unit climate
- Leader roles in assessing the unit climate
- EOA and EOR roles and responsibilities
- The process for creating an EOAP



# EO Complaint Process

- Confront the offender
- Inform appropriate officials
- Advise chain of command
- Submit only legitimate complaints



# Types of EO Complaints - Informal Complaint

- Any complaint not submitted in writing
- Does not require chain of command intervention
- May be resolved by the individual or with assistance from others
- Confidentiality is possible but not guaranteed
- Not subject to timelines
- Most appropriate for minor infractions



# Types of EO Complaints - Formal Complaint

- Must be submitted in writing within 60 days of the alleged offense (DA Form 7279)
- Requires chain of command intervention
- Specific timelines for processing
- Must follow a formal process



# Alternative Agencies

- Chain of Command
- Inspector General
- Housing Referral Office
- Judge Advocate General
- Military Police or Criminal Investigator
- Chaplain
- Medical Agency



# Formal Complaint Process





# Implications for the Complainant

- Reprisal
  - Threatening
  - Intimidation
  - Harassment
- False Allegations



# Implications for the Accused

- Administrative Actions
- Mandatory Counseling
- Additional training
- Denial of certain privileges
- Rehabilitative transfer
- Letter of admonishment/reprimand
- Relief for cause
- Adverse performance evaluation
- Bar to reenlistment
- Separation



# Legal Action

Criminal prosecution may result if:

- Behavior is not corrected through administrative action
- Behavior violates the Uniform Code of Military Justice



# Review: EO Complaint Process

In this topic you learned:

- You should submit complaints to the lowest level of command
- When possible, file an informal complaint
- Formal complaints have a defined process
- Some violations are subject to UMCJ



# Army Policy on Sexual Assault

“Sexual assault is a criminal offense that has no place in the Army. It degrades mission readiness by devastating the Army’s ability to work effectively as a team.....It is incompatible with the Army Values and is punishable under the Uniform Code of Military Justice (UCMJ) and other federal and local civilian laws... The Army will treat all victims of sexual assault with dignity, fairness, and respect.”

AR 600-20, Paragraph 8-2

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# Army Policy Applies...

- Both on and off post
- During duty and non-duty hours
- To working, living, and recreational environments
- 24 hours a day, seven days a week



# Sexual Assault Defined

- **Sexual assault** - intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent; sexual assault can occur without regard to gender, spousal relationship, or age
- **Consent** shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a perpetrator uses force, threat of force, coercion, or when the victim is asleep, incapacitated, or unconscious



# Types of Sexual Assault

- Rape
  - Physical force
  - Constructive force
  - Date/acquaintance (non-stranger)
  - Marital (**\*Family Advocacy Program**)
- Nonconsensual sodomy
- Indecent assault
- Attempts to commit these acts
- Carnal knowledge (**\*Family Advocacy Program**)



# If you Are Sexually Assaulted

**Report the incident to one of the following agencies:**

- **\*Sexual Assault Response Coordinator (SARC)**
- **\*Unit Victim Advocate (UVA)**
- **\*Healthcare provider**
- **\*Chaplain**
- **Chain of Command**
- **Military Police (MP)**
- **Criminal Investigation Command (CID)**
- **Army Community Services (ACS)**
- **Staff Judge Advocate (SJA)**
- **Local and State Police**
- **911**
- **Army One Source (AOS)**

**\*Also Restricted Reporting Option**

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# Review: Sexual Assault Definition and Types

In this topic you learned:

- Sexual Assault Policy (AR 600-20, Chap 8)
- Definition of sexual assault
- Types of sexual assault
- Reporting Agencies



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